

## Joint Standing Committee on Inland Fisheries and Wildlife

**LD 384**      **Resolve, to Install Fish Screens in the West Grand Lake Dam**      ONTP

Sponsor(s)  
BAILEY

Committee Report  
ONTP

Amendments Adopted

LD 384 proposed to require that the Department of Inland Fisheries and Wildlife install a fish screen in the West Grand Lake Dam.

**LD 572**      **An Act to Transfer Regulatory Control of Whitewater Rafting to the Department of Conservation's Bureau of Parks and Recreation**      ONTP

Sponsor(s)  
ROTONDI

Committee Report  
ONTP

Amendments Adopted

LD 572 proposed to transfer from the Department of Inland Fisheries and Wildlife to the Department of Conservation all regulation of commercial whitewater rafting, except for the licensing of whitewater guides.

**LD 904**      **An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs**      PUBLIC 679  
EMERGENCY

Sponsor(s)  
O'DEA

Committee Report  
OTP-AM    MAJ  
OTP-AM    MIN

Amendments Adopted  
S-477

LD 904 was originally referred to the Joint Standing Committee on Criminal Justice during the First Regular Session of the 117th, but was re-referred to the Joint Standing Committee on Inland Fisheries and Wildlife and carried over by that Committee for further consideration in the Second Regular Session.

LD 904 proposed to change the classification of crimes committed while hunting under the influence of alcohol or drugs and operating watercrafts, snowmobiles and ATV's under the influence of alcohol and drugs from Class E to Class D crimes and increase the types of drug and alcohol testing that may be used.

**Committee Amendment "A" (S477)** is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment proposed to replace the bill and make the bill an emergency.

The amendment proposed to increase from Class E to Class D the crimes of hunting while under the influence of intoxicating liquor or drugs and operating a snowmobile or ~~at~~ <sup>on</sup> ~~terrain~~ vehicle while under the influence of intoxicating liquor or drugs. Operating a watercraft while under the influence of intoxicating liquor or drugs has been a Class D crime since 1989. The amendment also proposed to set the minimum penalties for those crimes equal to those that apply in current law to the crime of operating a watercraft while under the influence of intoxicating liquor or drugs.

The amendment proposed to keep the existing 0.08% blood alcohol content prohibition on hunting and operating a snowmobile, ATV or watercraft by persons 21 years of age or older, but prohibits a person younger than 21 from engaging in those activities while having any alcohol in the blood. The amendment also proposed to provide immunity from certain criminal and civil liability for certain health care professionals who voluntarily report on alcohol-related or drug-related hunting, snowmobile, ATV or watercraft accidents and retain those provisions of the bill that allow additional types of drug and alcohol testing.

The amendment proposed to add a fiscal note to the bill.

**Committee Amendment "B" (S478)** is the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment proposed to replace the bill and changes the title of the bill.

The amendment proposed to prohibit a person convicted of hunting while under the influence of alcohol or other drugs from obtaining a license to hunt for 5 years after the date of conviction. The amendment also proposed to decriminalize the operation of a snowmobile or ~~at~~ <sup>on</sup> ~~terrain~~ vehicle on the operator's own land while under the influence of intoxicating alcohol or other drugs and make the operation of a snowmobile or an ~~at~~ <sup>on</sup> ~~terrain~~ vehicle on another person's land while under the influence of intoxicating alcohol or other drugs a Class E crime. The amendment also proposed making the operation of a snowmobile or an ~~at~~ <sup>on</sup> ~~terrain~~ vehicle on public land, or trails maintained using public funds, while under the influence of intoxicating alcohol or other drugs a Class D crime. The amendment also proposed to add a fiscal note to the bill.

### ***Enacted law summary***

Public Law 1995, chapter 679, increases from Class E to Class D the crimes of hunting while under the influence of intoxicating liquor or drugs and operating a snowmobile or ~~at~~ <sup>on</sup> ~~terrain~~ vehicle while under the influence of intoxicating liquor or drugs. Operating a watercraft while under the influence of intoxicating liquor or drugs has been a Class D crime since 1989. The law sets the minimum penalties for those crimes equal to those that apply to the crime of operating a watercraft while under the influence of intoxicating liquor or drugs.

This law keeps the existing 0.08% blood alcohol content prohibition on hunting and operating a snowmobile, ATV or watercraft by persons 21 years of age or older, but prohibits a person younger than 21 from engaging in those activities while having any alcohol in the blood. The law provides immunity from certain criminal and civil liability for certain health care professionals who voluntarily report on alcohol-related or drug-related hunting, snowmobile, ATV or watercraft accidents and allow additional types of drug and alcohol testing.

Chapter 679 was enacted as an emergency measure effective April 11, 1996.

## Fishing Rules

Sponsor(s)  
UNDERWOOD

Committee Report  
ONTF

Amendments Adopted

LD 1383 proposed to direct the Commissioner of Inland Fisheries and Wildlife to standardize certain rules for both ice fishing and open water fishing.

### LD 1645      **An Act to Revise Certain Fish and Wildlife Laws**

PUBLIC 667  
EMERGENCY

Sponsor(s)  
HALL

Committee Report  
OTF-AM

Amendments Adopted  
H-813  
S-485  
S-576

LD 1645 proposed was the Department of Inland Fisheries and Wildlife's "Omnibus" bill and proposed a series of changes to the fish and wildlife laws of the State.

**Committee Amendment "A" (~~\$485~~)** proposed to change many of the provisions in the original bill and add several others..

**House Amendment "A" to Committee Amendment "A" (~~H4~~)**, which was not adopted, proposed to remove that section of the committee amendment that proposed to increase the examination fee for a guide license from \$10 to \$100.

**House Amendment "B" to Committee Amendment "A" (~~H13~~)** proposed to require that the Commissioner of Inland Fisheries and Wildlife appoints the warden or retired warden member of the Advisory Board for the Licensing of Whitewater Guides and that the public members of the Advisory Board for the Licensing of Whitewater Guides hold 3 year terms.

**Senate Amendment "A" to Committee Amendment "A" (~~S76~~)** proposed to eliminate the authorization for retroactive payments to members of the Inland Fisheries and Wildlife Advisory Council and establishes a July 1, 1996 effective date for a per diem increase for council members.

#### *Enacted law summary*

Public Law 1995, chapter 667, does the following:

Authorizes the Commissioner of Inland Fisheries and Wildlife to sell or lease video tapes and sell merchandise and use those proceeds for any purpose within the Department of Inland Fisheries and Wildlife, except the department's magazine;

Allows any member of the United States Armed Forces to buy a trapping, fishing, hunting or combination license at any agency;

Encourages landowners who prohibit access to their land without permission to post their land with signs that include the name and address of the person to contact to obtain permission;

It increases from \$10 to \$100 the examination fee for obtaining a guide license;

It clarifies that the nonresident 3-day small game hunting license is valid for 3 consecutive days;

It requires 16-year-old hunters to complete a hunter safety course;

It allows the Commissioner of Inland Fisheries and Wildlife to adopt rules, which are classified as major substantive rules, governing the selection and reporting requirements for licensing agents of the Department of Inland Fisheries and Wildlife;

It repeals the provision that allows the guide examination fee to be credited toward the license fee;

It allows the oral testing of whitewater guides to be conducted by 2 members;

It repeals the requirement that oral exams for whitewater guides be given by 3 members of the Advisory Board for the Licensing of Whitewater Guides;

It requires that a tree stand and ladder, except a portable unit that is attended by the owner and located on land within the jurisdiction of the Maine Land Use Regulation Commission, be labeled with the name and address of the persons authorized by the landowner to use the tree stand and ladder;

It clarifies the requirement for identifying bear baits;

It clarifies that only those species listed in statute may be regulated by the Department of Inland Fisheries and Wildlife as state endangered or state threatened species;

It repeals the sunset on the option for a 2-week muzzleloading season;

It increases, prospectively, the per diem for members of the Inland Fisheries and Wildlife Advisory Council from \$25 to \$50;

It changes the qualification requirement of the Deputy Commissioner of Inland Fisheries and Wildlife;

It exempts from the definition of "litter" any waste parts or remains that result from the normal field dressing of lawfully harvested wild game and waste parts or remains of wild game used as bait;

A cross-reference to the Maine Litter Control Act is also added to inland fisheries and wildlife law to notify hunters that leaving a carcass, waste parts or remains of an animal in the woods, other than as bait or as a result of field dressing lawfully harvested game, is illegal and is a violation of the Maine Litter Control Act;

It establishes the Advisory Board for the Licensing of Whitewater Guides;

It changes the whitewater guide license from a one-year to a 3-year license;

It increases from 800 to 1,000 the Sunday allocation ceiling for commercial passengers on the Kennebec River and eliminates allocations for the Kennebec River during June;

It requires the use of certain types of personal flotation devices on stretches of the Penobscot River and the Kennebec River;

It creates the Hunters for the Hungry Program within the Department of Inland Fisheries and Wildlife. The program utilizes the existing temporary emergency food assistance programs

administered by the Department of Agriculture, Food and Rural Resources to distribute lawfully harvested wild game meat to soup kitchens, shelters, food pantries, churches and other organizations throughout the State. The Hunters for the Hungry Program allows any person to donate any lawfully obtained game either to the Temporary Emergency Food Assistance Program or directly to one of the eligible kitchens, shelters or churches. The Department of Inland Fisheries and Wildlife may adopt rules to implement the program, working in cooperation with the Department of Agriculture, Food and Rural Resources. Part C also extends immunity from civil liability to persons who lawfully donate wild game meat and to the organizations that handle and distribute that meat.

It requires the Commissioner of Inland Fisheries and Wildlife to appoint a warden or retired warden as a member of the Advisory Board for the Licensing of Whitewater Guides and establishes a 3-year term for public members of the Advisory Board for the Licensing of Whitewater Guides;

Chapter 667 was enacted as an emergency measure effective April 11, 1996.

**LD 1726      An Act to Implement the Recommendations of the Task Force to      PUBLIC 695  
Study the Operations of the Department of Inland Fisheries      EMERGENCY  
and Wildlife**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
S-465

LD 1726 proposed provisions to implement the recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife. That Task Force was established by Public Law 1995, chapter 455, section 44.

LD 1726 proposed to change the period of boat registration from one year to 3 years for registrations issued on or after July 1, 1996, and to increase the registration fee from \$4 to \$12 to reflect the increased term of the registration.

The bill also proposed to require the task force to meet on any day between June 1, 1996 and June 30, 1996 to review the progress of the department in implementing the recommendations of the task force, to create a position within the department for a fulltime coordinator of volunteers and to provide an allocation for the use of federal funds to conduct surveys of hunters, anglers and nonconsumptive users of the State's fish and wildlife resources.

**Committee Amendment "A" (S465)** proposed to replace the bill. The amendment proposed to require that watercraft registrations and certificates of number issued after July 1, 1996 be valid for specific calendar years, rather than for the 12 month period following the date the certificates of number are issued.

The amendment also proposed to retain the requirement in the bill that the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife meet in June to evaluate the department's progress, but makes a technical correction and removes the provision that would have allowed the members to receive per diem and expenses for that meeting.

***Enacted law summary***

Public Law 1995, chapter 695, requires watercraft registrations and certificates of number issued after July 1, 1996 be valid for specific calendar years, rather than for the month period following the date the certificates of number are issued. The law also the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife to meet in June to evaluate the department's progress without per diem or expenses.

Chapter 695 was enacted as an emergency measure effective April 11, 1996.

**LD 1737      An Act to Improve the Ability of Potential Users of Private Land to Seek Permission from Landowners      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUDY BILL	ONTP	

LD 1737 proposed to permit the Support Landowners Program within the Department of Inland Fisheries and Wildlife, also known as the Landowner Relations Program, to encourage landowners who allow access to their property only with permission to conspicuously post signs on the property containing the name and address of the owner or another person with authority to grant permission. The substance of this bill was incorporated into LD 1645.

**LD 1820      An Act to Amend the Laws Concerning Commercial Whitewater Rafting      CONF CMTE  
UNABLE TO AGREE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD	OTP-AM	

LD 1820 proposed to allow 2 members of an affiliated group to conduct whitewater trips on an allocated river if each member of the affiliated group had been awarded an allocation for that river. The bill also proposed to clarify existing law concerning requests to run whitewater trips on an allocated river by a former member of an affiliated group.

**Committee Amendment "A" (~~\$486~~)** proposed to replace the bill and make the bill an emergency.

The amendment proposed to allow 2 outfitters, but not more than 2, to form an affiliated group and conduct whitewater rafting trips on an allocated river if both outfitters have been awarded allocations for that river and the Department of Inland Fisheries and Wildlife determines that the affiliation would not result in more than 60% of the total allocations for that river being held by affiliated outfitters.

**Senate Amendment "A" to Committee Amendment "A" (~~\$508~~)** proposed to strike the emergency preamble and the emergency clause.

**Senate Amendment "B" to Committee Amendment "A" (~~\$509~~)** proposed to allow 2 outfitters to form an affiliated group and conduct whitewater rafting trips on an allocated river under the conditions stated in the committee amendment if the combined total allocations for that river for those 2 outfitters did not exceed 120.

**Senate Amendment "C" to Committee Amendment "A" (~~\$510~~)** proposed to allow 2 outfitters to form an affiliated group and conduct whitewater rafting trips on an allocated river

under the conditions stated in the committee amendment if the combined total allocations for that river for those 2 outfitters does not exceed 120 per day.

**Conference Committee Report** LD 1820 was referred to a Conference Committee. The Conference Committee's "Unable to Agree" report was accepted by both bodies on April 2, 1996.

**LD 1832      An Act to Amend the Atlantic Salmon Authority**

PUBLIC 535  
EMERGENCY

Sponsor(s)  
BAILEY  
KIEFFER

Committee Report

Amendments Adopted  
S-466

LD 1832 proposed several changes to the appointment criteria and the appointment process pertaining to members of the Atlantic Salmon Board. This bill was enacted on the floor, without reference to Committee.

**Senate Amendment "A" (S466)** proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

***Enacted Law summary***

Public Law chapter 535, which was enacted as an emergency, added one member ~~change~~ to the Atlantic Salmon Board to represent the public and clarified that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources are exempt from the confirmation process. The law restricts the Atlantic Salmon Authority's role to inland waters other than commercial hatcheries, with the exception of the Ducktrap, Sheepscot, Narraguagus, Pleasant, Machias, East Machias and Dennys rivers. The delay in the effective date of authority over those rivers is to allow the executive branch adequate opportunity to respond to a proposed federal listing of Atlantic salmon. The board will report back to the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 1996 concerning management of Atlantic salmon and recommendations on staffing and budget.

Chapter 535 was enacted as an emergency measure effective March 13, 1996.

**LD 1833      An Act to Clarify the Definition of Commercial Whitewater Outfitter**

PUBLIC 626  
EMERGENCY

Sponsor(s)  
HANLEY

Committee Report  
OTP-AM

Amendments Adopted  
S-513

LD 1833 proposed to provide an exception to the definition of "commercial whitewater outfitter" in the laws regulating commercial whitewater rafting for a nonprofit whitewater rafting club that collects dues or fees to finance the expenses of the club.

**Committee Amendment "A" (S13)** proposed to authorizes the Commissioner of Inland Fisheries and Wildlife to allow certain noncommercial organizations that collect dues or fees to conduct whitewater rafting trips without a commercial whitewater outfitters license.

***Enacted law summary***

Public Law 1995, chapter 626, allows the Commissioner of Inland Fisheries and Wildlife to authorize the following 2 types of dues or fee collecting organizations to conduct whitewater rafting trips without a commercial license:

1. A tax-exempt, nonprofit corporation incorporated in this State before March 1, 1996 whose purpose is incidental to whitewater rafting, including the local councils, troops or organized local groups affiliated with that corporation. Organizations in this category include the local boy scout and girl scout councils or troops and church groups. Those organizations must request authorization from the commissioner at least 15 days before conducting a rafting trip and the commissioner may not allow a council, troop or other organized local group affiliated with the corporation to conduct more than 2 rafting trips a year without a commercial license; and
2. A noncommercial whitewater rafting club organized solely to provide whitewater rafting trips to its members. The law authorizes the commissioner to allow a noncommercial club that collects dues or fees to conduct whitewater rafting trips for its members without a commercial license if the commissioner determines that the sole purpose of the club is to provide noncommercial whitewater rafting opportunities to its members, that members of the club, including officers or board members, if any, will not receive any form of compensation from the club at any time, that the club will use its own equipment, that all fees or dues collected from club members are used only to purchase and maintain rafting equipment for the sole use of the club, that the club will not employ or otherwise compensate any person for service relating to rafting and that the club will not accept gifts of products or services from any commercial whitewater outfitter or licensed whitewater guide. Noncommercial whitewater rafting clubs must file certain information with the commissioner by January 1st of each year, including a list of the name, address and telephone number of each member of the club.

The law requires the commissioner to place limits on the rafting activities of these organizations, when necessary, including limits on the time, location, safety equipment and number of people that may participate in a rafting trip or to deny a request if granting that request would conflict with the river management goals set forth in the Maine Revised Statutes, Title 12, section 7364.

Chapter 626 was enacted as an emergency measure effective April 8, 1996.